

Exhibit 2

The Honorable Robert J. Bryan

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

STATE OF WASHINGTON,

NO. 3:17-cv-05806-RJB

Plaintiff,

v.

WASHINGTON'S ANSWERS AND
RESPONSES TO GEO'S FIRST SET
OF REQUESTS FOR ADMISSIONS

THE GEO GROUP, INC.,

Defendant.

OBJECTIONS

Pursuant to Federal Rules of Civil Procedure 36, Plaintiff State of Washington (Washington) hereby responds to Defendant The GEO Group, Inc.'s (GEO) First Set of Requests for Admissions Propounded to the State of Washington (collectively, Requests).

GENERAL OBJECTIONS

1. Washington objects to the Requests to the extent that they seek documents and information protected from disclosure by the attorney-client privilege, attorney work product doctrine, common interest doctrine, deliberative process privilege, law enforcement privilege, and/or any other applicable legal privilege. If any privileged information is inadvertently provided, Washington does not waive or intend to waive the privilege pertaining to such information.

2. Washington objects to the definition of the term "State" on the basis that it

1 7. Washington reserves the right to amend any of the responses set forth below in
2 light of information developed or learned on a subsequent date.

3 8. Each of the foregoing General Objections is incorporated by reference into the
4 responses to each individual request below.

5 **REQUESTS FOR ADMISSIONS**

6 **REQUEST FOR ADMISSION NO. 1:** Admit that the State has not previously sought to
7 enforce the Minimum Wage Act or bring unjust enrichment claims against GEO or ICE for
8 detainees at the Northwest Detention Center.

9 **RESPONSE:** Washington objects to this request to the extent it seeks information from non-
10 parties or state agencies outside of the Washington Attorney General's Office's possession,
11 custody, or control. Further, Washington objects to this request as it is unclear what time period
12 GEO refers to. Without waiving these objections, Washington admits that the Washington
13 Attorney General's Office has not sought to enforce the Minimum Wage Act or bring unjust
14 enrichment claims against GEO or ICE outside this litigation. Washington is unable to admit or
15 deny whether any other state agency has previously sought to enforce the Minimum Wage Act
16 or bring unjust enrichment claims against GEO or ICE.

17
18 **REQUEST FOR ADMISSION NO. 2:** Admit that the State has not previously sought to
19 enforce the Minimum Wage Act or bring unjust enrichment claims against GEO for any other
20 detention facility operated under contract with any federal, state, or municipal entity.

21 **RESPONSE:** Washington objects to this request to the extent it seeks information from non-
22 parties or state agencies outside of the Washington Attorney General's Office's possession,
23 custody, or control. Further, Washington objects to this request as it is unclear what time period
24 GEO refers to. Without waiving these objections, Washington admits that the Washington
25 Attorney General's Office has not sought to enforce the Minimum Wage Act or bring unjust
26 enrichment claims against GEO outside this litigation. Washington is unable to admit or deny

1 whether any state agency has sought to enforce the Minimum Wage Act or bring unjust
2 enrichment claims against GEO for any other detention facility.

3
4 **REQUEST FOR ADMISSION NO. 3:** Admit that the State has not previously sought to
5 enforce the Minimum Wage Act or bring unjust enrichment claims against any other private
6 company for any other detention facility operated under contract with any federal, state, or
7 municipal entity.

8 **RESPONSE:** Washington objects to this request to the extent it seeks information from non-
9 parties or state agencies outside of the Washington Attorney General's Office's possession,
10 custody, or control. Further, Washington objects to this request as it is unclear what time period
11 GEO refers to. Without waiving these objections, Washington admits that the Washington
12 Attorney General's Office has not sought to enforce the Minimum Wage Act or bring unjust
13 enrichment claims against any other private company for other detention facilities. Washington
14 is unable to admit or deny whether any state agency has sought to enforce the Minimum Wage
15 Act against any other private company for other detention facilities.

16
17 **REQUEST FOR ADMISSION NO. 4:** Admit that oral or written employment contracts or
18 agreements between GEO and current or former detainees do not exist.

19 **RESPONSE:** Washington objects to this request to the extent it seeks information from non-
20 parties outside of the Washington Attorney General's Office's possession, custody, or control.
21 Washington further objects to this request to the extent it seeks information that is within GEO's
22 possession. Without waiving these objections, Washington answers that at this point Washington
23 is unable to admit or deny this request. However, Washington admits that some written
24 agreements and documents exist that include information about the terms and conditions of the
25 employment relationship between GEO and detainee workers.

1 **REQUEST FOR ADMISSION NO. 5:** Admit that, prior to the filing of the complaint in this
 2 case, a Washington state agency or entity never notified GEO that Washington's Minimum
 3 Wage Act applied to GEO's VWP.

4 **RESPONSE:** Washington objects to this request to the extent it seeks information from non-
 5 parties or state agencies outside of the Washington Attorney General's Office's possession,
 6 custody, or control. Without waiving these objections, Washington answers that the Washington
 7 Attorney General's Office admits that it notified GEO that Washington's Minimum Wage Act
 8 applied to GEO upon filing of the Complaint in this litigation. Washington is unable to admit or
 9 deny whether any other state agency notified GEO that the Minimum Wage Act applied to
 10 GEO's Voluntary Work Program.

11
 12 **REQUEST FOR ADMISSION NO. 6:** Admit that, prior to the filing of the complaint in this
 13 case, a Washington state agency or entity never notified GEO that the agency or entity would
 14 seek to enforce Washington's Minimum Wage Act applied to GEO's VWP.

15 **RESPONSE:** Washington objects to this request to the extent it seeks information from non-
 16 parties or state agencies outside of the Washington Attorney General's Office's possession,
 17 custody, or control. Without waiving these objections, Washington admits that the Washington
 18 Attorney General's Office notified GEO that it would seek to enforce Washington's Minimum
 19 Wage Act upon filing of the Complaint in this litigation. Washington is unable to admit or deny
 20 whether any other state agency notified GEO that it would seek to apply the Minimum Wage
 21 Act to GEO's Voluntary Work Program.

22
 23 **REQUEST FOR ADMISSION NO. 7:** Admit that a present or former NWDC detainee has
 24 never filed a Minimum Wage Act complaint with the Department of Labor and Industries.

25 **RESPONSE:** Washington objects to this request as it seeks information from non-parties or
 26 state agencies outside of the Washington Attorney General's Office's possession, custody, or

1 control. Without waiving these objections, Washington is unable to admit or deny this request.
 2 The Washington Attorney General's Office does not operate the Department of Labor and
 3 Industries and, therefore, does not track the complaints that agency receives or does not receive
 4 from detainees.

5
 6 **REQUEST FOR ADMISSION NO. 8:** Admit that a present or former NWDC detainee has
 7 never sought relief from an immigration judge or ICE to work for GEO.

8 **RESPONSE:** Washington objects to this request as it seeks information from non-parties or
 9 federal agencies outside of the Washington Attorney General's Office's possession, custody, or
 10 control. Washington further objects to this request as it is unclear and/or ambiguous as to what
 11 "relief" refers to. Without waiving these objections, Washington answers it is unable to admit or
 12 deny whether any detainees have ever sought relief from an immigration judge or ICE to work
 13 for GEO.

14
 15 **REQUEST FOR ADMISSION NO. 9:** Admit that the State of Washington offers inmate
 16 and/or detainee work programs in its corrections and detention facilities that do not pay
 17 minimum wage for each hour worked by inmates or detainees.

18 **RESPONSE:** Washington objects to this request as it seeks information from non-parties or
 19 state agencies outside of the Washington Attorney General's Office's possession, custody, or
 20 control. Washington further objects to this request as it is irrelevant and not reasonably calculated
 21 to lead to admissible evidence. Without waiving these objections, Washington is unable to admit
 22 or deny this request. The Washington Attorney General's Office is aware that Washington's
 23 minimum wage law includes a statutory exemption for government-operated institutions, but it
 24 does not operate the state corrections and detention facilities nor does it manage inmate and/or
 25 detainee work programs.

1 **REQUEST FOR ADMISSION NO. 10:** Admit that the State of Washington has contracts with
 2 private contractors such as GEO that provide for inmate and/or detainee work programs in these
 3 private corrections and detention facilities that do not pay minimum wage for each hour worked
 4 by inmates or detainees.

5 **RESPONSE:** Washington objects to this request as it seeks information from non-parties or
 6 state agencies outside of the Washington Attorney General's Office's possession, custody, or
 7 control. Washington further objects to this request as it is irrelevant and not reasonably calculated
 8 to lead to admissible evidence. Without waiving these objections, Washington is unable to admit
 9 or deny this request. The Washington Attorney General's Office does not operate the state
 10 corrections and detention facilities nor does it manage its contracts with private contractors such
 11 as GEO.

12
 13 **REQUEST FOR ADMISSION NO. 11:** Admit that the State of Washington's corrections and
 14 detention facilities use inmate/detainee labor in its kitchen facilities.

15 **RESPONSE:** Washington objects to this request as it seeks information from non-parties or
 16 state agencies outside of the Washington Attorney General's Office's possession, custody, or
 17 control. Washington further objects to this request as it is irrelevant and not reasonably calculated
 18 to lead to admissible evidence. Without waiving these objections, Washington is unable to admit
 19 or deny this request. The Washington Attorney General's Office does not operate the state
 20 corrections and detention facilities nor does it determine whether its corrections and detention
 21 facilities use inmate labor in their kitchen facilities.

22
 23 **REQUEST FOR ADMISSION NO. 12:** Admit that the State of Washington's corrections and
 24 detention facilities use inmate/detainee labor in its laundry facilities.

25 **RESPONSE:** Washington objects to this request as it seeks information from non-parties or
 26 state agencies outside of the Washington Attorney General's Office's possession, custody, or

1 **REQUEST FOR ADMISSION NO. 15:** Admit that the State of Washington's corrections and
 2 detention facilities use inmate/detainee labor to clean inmate/detainee living spaces.

3 **RESPONSE:** Washington objects to this request as it seeks information from non-parties or
 4 state agencies outside of the Washington Attorney General's Office's possession, custody, or
 5 control. Washington further objects to this request as it is irrelevant and not reasonably calculated
 6 to lead to admissible evidence. Without waiving these objections, Washington is unable to admit
 7 or deny this request. The Washington Attorney General's Office does not operate the state
 8 corrections and detention facilities nor does it determine whether its corrections and detention
 9 facilities use inmate labor to clean inmate/detainee living spaces.

10
 11 **REQUEST FOR ADMISSION NO. 16:** Admit that the State of Washington executed a
 12 contract with GEO Group dated May 13, 2015, that "[a]ll eligible offenders shall be afforded the
 13 opportunity to participate in programs, occupational training, and work on the same basis as
 14 other offenders" and that "[o]ffenders shall not be paid for participation in any program for which
 15 an offender in the state of Washington would not be paid."

16 **RESPONSE:** Washington objects to this request as it seeks information from non-parties or
 17 state agencies outside of the Washington Attorney General's Office's possession, custody, or
 18 control. Washington further objects to this request as it is irrelevant and not reasonably calculated
 19 to lead to admissible evidence. Without waiving these objections, Washington is unable to admit
 20 or deny this request. The Washington Attorney General's Office does not operate the state
 21 corrections and detention facilities nor does it manage contracts executed by state correction
 22 agencies.

23
 24 **REQUEST FOR ADMISSION NO. 17:** Admit that Washington's Minimum Wage Act has no
 25 express exception for ICE detainees who are participating in voluntary work programs while
 26 detained in Sea Tac.

1 advised the Washington Attorney General's Office as to whether detainees participating in the
2 NWDC are GEO's employees.

3 **REQUEST FOR ADMISSION NO. 33:** Admit that Washington has no documents that show
4 the amount of time any ICE detainee participated in the VWP at NWDC.

5 **RESPONSE:** Washington objects to this request as it seeks information from non-parties or
6 state agencies outside of the Washington Attorney General's Office's possession, custody, or
7 control. Without waiving these objections, Washington admits and denies this Request.
8 Washington admits that as of now the Washington Attorney General's Office has no documents
9 that track the specific amount of time each detainee spent working in the Voluntary Work
10 Program. Washington denies to the extent that Washington has documents that detail the shifts,
11 and approximate hours of the shifts for various job duties/assignments which generally show the
12 daily amount of time – by assignment – detainee workers provide their labor to GEO through
13 their participation in the VWP.
14

15 **REQUEST FOR ADMISSION NO. 34:** Admit that Washington has known the VWP rate for
16 participation at NWDC has been \$1.00 per day since its inception.

17 **RESPONSE:** Washington objects to this request as it seeks information from non-parties or
18 state agencies outside of the Washington Attorney General's Office's possession, custody, or
19 control. Washington further objects to this request, as it is vague as to "its inception," and,
20 therefore, is unclear what time period the request refers to. Without waiving these objections,
21 Washington denies that the Washington Attorney General's Office has known the rate GEO pays
22 for participation in the Voluntary Work Program "since its inception."
23

24 **REQUEST FOR ADMISSION NO. 35:** Admit that Washington's Department of Labor and
25 Industries has inspected the NWDC, including its policies and procedures specific to the VWP.
26

1 **RESPONSE:** Washington objects to this request as it seeks information from non-parties or
 2 state agencies outside of the Washington Attorney General's Office's possession, custody, or
 3 control. Without waiving these objections, Washington is unable to admit or deny this request.
 4 The Washington Attorney General's Office does not operate the Department of Labor and
 5 Industries and is unaware whether that agency has inspected the NWDC or its policies and
 6 procedures specific to the VWP.

7 **REQUEST FOR ADMISSION NO. 36:** Admit that Washington's Department of Labor and
 8 Industries must enforce Washington's Minimum Wage Act.

9 **RESPONSE:** Washington denies this request. The Department of Labor and Industries has the
 10 authority to enforce Washington's Minimum Wage Act. The Washington Attorney General's
 11 Office also has the authority to enforce Washington's Minimum Wage Act. *See* Wash. Rev.
 12 Code § 43.10.030; *City of Seattle v. McKenna*, 529 P.3d 1087 (Wash. 2011); and *State v. Chinook*
 13 *Hotel, Inc.*, 399 P.2d (Wash. 1965).

14
 15 **REQUEST FOR ADMISSION NO. 37:** Admit that Washington's Department of Labor and
 16 Industries has never enforced Washington's Minimum Wage Act in the VWP at NWDC.

17 **RESPONSE:** Washington objects to this request as it seeks information from non-parties or
 18 state agencies outside of the Washington Attorney General's Office's possession, custody, or
 19 control. Without waiving these objections, Washington is unable to admit or deny this request.
 20 The Washington Attorney General's Office does not operate the Department of Labor and
 21 Industries and cannot confirm whether the Department of Labor and Industries has ever enforced
 22 the Minimum Wage Act in the Voluntary Work Program at NWDC.
 23
 24
 25
 26

1 **REQUEST FOR ADMISSION NO. 38:** Admit that the Attorney General's client is the State
2 of Washington in this lawsuit.

3 **RESPONSE:** Washington admits that the Washington Attorney General's Office's client in this
4 lawsuit is the State of Washington, and not a specific state agency.

5 **REQUEST FOR ADMISSION NO. 39:** Admit that the Attorney General Bob Ferguson
6 decided on his own, without direction from the Governor or Legislature, to use his law
7 enforcement authority to bring this lawsuit against GEO.

8 **RESPONSE:** Washington objects to this request as irrelevant and not reasonably calculated to
9 lead to the discovery of admissible evidence. Washington further objects to the extent this calls
10 for attorney-client and work product privileged communications. Without waiving these
11 objections, Washington admits that Attorney General Bob Ferguson exercised his authority, as
12 the head of the Washington Attorney General's Office, to bring this law enforcement action to
13 challenge GEO's longstanding labor practices and ensure compliance with state minimum wage
14 and labor laws.

15
16 **REQUEST FOR ADMISSION NO. 40:** Admit that Attorney General Bob Ferguson is using
17 this lawsuit to raise campaign contributions for himself.

18 **RESPONSE:** Washington objects to this request as irrelevant and not reasonably calculated to
19 lead to the discovery of admissible evidence. Washington objects to this request as it seeks
20 information from non-parties outside of the Washington Attorney General's Office's possession,
21 custody, or control. Without waiving these objections, Washington denies Attorney General Bob
22 Ferguson is using this lawsuit to raise campaign contributions for himself. Washington is using
23 this lawsuit to enforce its state laws against a private company doing business within the state.

24 **REQUEST FOR ADMISSION NO. 41:** Admit that Attorney General Bob Ferguson expects
25 to control any monies "disgorged" from GEO in this lawsuit.
26

1 **RESPONSE:** Washington denies that the Attorney General Bob Ferguson expects to control the
 2 monies “disgorged” from GEO in this lawsuit. If Washington prevails, the Washington Attorney
 3 General’s Office will ask the Court to allocate the funds, including the creation of a fund and a
 4 mechanism controlled by a third party administrator, to support people detained in the Northwest
 5 Detention Center and job seekers in the community surrounding the detention center who may
 6 have lost employment opportunities because of GEO’s practices.

7
 8 **REQUEST FOR ADMISSION NO. 42:** Admit that Attorney General Bob Ferguson will
 9 decide how any monies “disgorged” from GEO in this lawsuit will be spent.

10 **RESPONSE:** Washington denies that the Attorney General Bob Ferguson will decide how any
 11 “disgorged” monies from GEO will be spent. If Washington prevails, the Washington Attorney
 12 General’s Office will ask the Court to allocate the funds, including the creation of a fund and a
 13 mechanism controlled by a third party administrator, to support people detained in the Northwest
 14 Detention Center and job seekers in the community surrounding the detention center who may
 15 have lost employment opportunities because of GEO’s practices. The Washington Attorney
 16 General’s Office will also ask defendants to pay its reasonable attorneys’ fees and costs; these
 17 monies, and any others allocated by the Court, would be reinvested in the ongoing operations of
 18 the Attorney General’s Office.

19
 20 **REQUEST FOR ADMISSION NO. 43:** Admit that Washington’s Minimum Wage Act applies
 21 to employment relationships regardless of the profitability of the employer.

22 **RESPONSE:** Washington admits that the Minimum Wage Act applies to all employment
 23 relationships that are not covered by a statutory exemption regardless of the profitability of the
 24 employer.

1 **REQUEST FOR ADMISSION NO. 44:** Admit that Washington's laws against discrimination
 2 prohibit the State from discriminating against or granting preferential treatment to an individual
 3 or group on the basis of race, ethnicity, or national origin in the operation of public employment
 4 or public contracting.

5 **RESPONSE:** Washington objects to this request as irrelevant and not reasonably calculated to
 6 lead to the discovery of admissible evidence. Without waiving these objections, Washington
 7 admits that the Washington Law Against Discrimination, Wash. Rev. Code § 49.60.400,
 8 prohibits the state from discriminating against or granting preferential treatment to an individual
 9 or group on the bases of race, ethnicity, or national origin in the operation of public employment
 10 or public contracting.

11
 12 **REQUEST FOR ADMISSION NO. 45:** Admit that Washington's enforcement of minimum
 13 wages for non-citizens participating in the VWP at NWDC and not in any other federal, state, or
 14 local detention center affords ICE detainees at NWDC preferential rights not available to
 15 Washington citizens in detention or other non-citizens held at Sea-Tac.

16 **RESPONSE:** Washington objects to this request as irrelevant and not reasonably calculated to
 17 lead to the discovery of admissible evidence. Without waiving these objections, Washington
 18 denies that the law enforcement action in this case is "for" any individual or class of individuals
 19 or that it affords preferential rights to anyone on the basis of any protected category. Washington
 20 admits that it brings this lawsuit in its parens patriae capacity, on behalf of the State of
 21 Washington to enforce Washington's minimum wage laws and disgorge the profits resulting
 22 from GEO's decision to operate the NWDC with detainee workers and pay them only \$1.00 per
 23 day for work performed.

24 DATED: August 1, 2018

25 *s/ La Rond Baker*

26 LA ROND BAKER, WSBA No. 43610
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CERTIFICATION

The undersigned, counsel for Plaintiff, has read the above responses to GEO's First Set of Requests for Admissions to Plaintiff and believes them to be in compliance with Fed. R. Civ. P. 26(g). Dated this 1st day of August 2018.

State of Washington Attorney General's Office
Counsel for Plaintiff

BY: s/ La Rond Baker
LA ROND BAKER, WSBA No. 43610
MARSHA CHIEN, WSBA No. 47020
ANDREA BRENNEKE, WSBA No. 22027

STATE OF WASHINGTON)
)
COUNTY OF _____)

The undersigned, being first duly sworn, upon oath, deposes and says:

I am the _____ (title) of _____ (agency), for Washington in the above-entitled action; that I have read the above and foregoing answers and responses to GEO's First Set of Requests for Admissions to Plaintiff; know the contents thereof, and believe the same to be true and correct.

(Print Name): _____
(Title): _____

SIGNED AND SWORN to before me this _____ day of _____, 2018.

(Print Name): _____
NOTARY PUBLIC in and for the State of Washington
residing at _____.
My appointment expires: _____

CERTIFICATE OF SERVICE

I, La Rond Baker, certify that on August 1, 2018, I caused to be served a true and correct copy of Plaintiff's Responses to Defendant's First Set of Requests For Admission via electronic mail as follows:

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s/ La Rond Baker
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